ing this line of questioning was to avoid purely repetitious and argumentative matters which did not go to any issue of fact.[4]

The suggestion is also made that the Commission did not adequately sustain the burden of proof. A representative ruling on the subject, which appellant has criticized, relates to the shipment of empty paper containers from a manufacturer to the Carr Consolidated Biscuit Company. Appellant's own records, examined by the Commission's agent, showed the movements in question. It was, of course, clear on the face of the matter that carriage of containers to a biscuit company would not ordinarily

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[4] A typical extract appears at Tr. 78–79.

"By Mr. Loevinger:

"Q. What, in your opinion, is the proper definition of the word 'materials' as used in the permit?

"A. I have already answered it—the contents of the cans of the carrots and peas, raw materials that go into the cans.

"Q. Can you give us a broader definition of materials for use not only with reference to a canning factory or packing house?

"Mr. Bode. Objection.

"Exam. Walsh. Objection sustained.

"Mr. Bode. Objected to as repetitious and argumentative. We've got to limit this somewhere.

"Exam. Walsh. All right.

By Mr. Loevinger:

"Q. Does it differ, Mr. Ganley, between the denotative and connotative meaning?

"Mr. Bode. Same objection.

"Exam. Walsh. Objection sustained."

come within the scope of appellant's authority which authorizes it to make shipments to packing houses, dairies, and canneries. Appellant stresses, however, in its statement as to jurisdiction, that the Commission's witness testified as follows:

> Mr. LOEVINGER:
>
> Q. You don't know what the Carr Consolidated Biscuit Company does, do you?
>
> A. Other than a biscuit is a biscuit.
>
> Q. You don't know anything more about them than their name, do you?
>
> A. I do not.

We submit that it was not unreasonable to presume that the business of a biscuit company relates to biscuits.[5] Certainly, the presumption was strong enough to shift to appellant the burden of rebutting it.

The alleged procedural errors are lacking in substance. They have been examined by the district court, which stated, "We find nothing in the record which indicates to us that the hearing accorded Dart was not a full and fair hearing."

It is believed that the decision of the district court was clearly correct and that there are no questions

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[5] In *Directory of U. S. Companies*, Economic Cooperation Administration, Office of Small Business (1950), Sec. II–75, the business of the Carr Consolidated Biscuit Company is described as "Biscuits, Crackers, Cookies."

of substantial or general importance presented by the appeal. The judgment should be affirmed.

Respectfully submitted.

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